

Appendix B

Legislative History of the Merced Wild and Scenic River Bills

The following is a legislative history of the various bills associated with the designation and management of the Merced Wild and Scenic River. This history includes legislative activity associated with the segments of the river under the jurisdiction of the National Park Service, and those downstream under the jurisdiction of the USDA Forest Service and the U.S. Department of the Interior. The legislative activities associated with the segments of the river under the jurisdiction of the National Park Service are indicated in **bold**.

House of Representatives

United States Senate

98th Congress

* March 29, 1984 Congressman Tony Coelho introduced HR 5291, a measure to designate the 43 mile South Fork of the Merced River as a component of the National Wild and Scenic Rivers System.

* May 3 & 4, 1984 Hearings held on HR 5291 before the Subcommittee on Public Lands and National Parks of the House Interior and Insular Affairs Committee.

99th Congress

* October 15, 1985 Hearings before the National Parks Subcommittee in Yosemite National Park.

* August 15, 1986 Congressman Tony Coelho introduced HR 5449, a measure to designate 71 miles of the upper Merced River and its South Fork. The measure would provide for a five year moratorium on water developments for the lower eight miles of the Merced River above Lake McClure Reservoir.

* September 1986 Sierra NF releases Draft Forest Plan recommending Wild & Scenic status for the South Fork and the Merced River down to Lake McClure Reservoir.

100th Congress

* January 6, 1987 Congressman Tony Coelho introduced HR 317, a measure identical to HR 5449 in the 99th Congress.

* March 5, 1987 Hearings held on HR 317 by the National Parks and Public Lands Subcommittee.

* March 17, 1987 Subcommittee markup minor technical amendments made to HR 317.

* March 18, 1987 HR 317 passed by the full House Interior Committee and reported to the House floor.

100th Congress

* January 6, 1987 Senator Pete Wilson introduces S. 275 (cosponsored by Senator Alan Cranston), a measure to designate the entire Merced River above Lake McClure and the Merced's South Fork.

* April 23, 1987 Hearings on HR 317 and S. 275 before the Public Lands, National Parks and Forests Subcommittee of the Senate Energy and Natural Resources Committee.

House of Representatives

* March 31, 1987 HR 317 passed by the House of Representatives under a "suspension of the Rules" no amendments permitted and no recorded vote.

* October 13, 1987 House of Representatives passes the final compromise measure.

United States Senate

* June 23, 1987 Energy Committee markup HR 317 is amended by substituting the language of S. 275 (after some minor technical amendments are made) for the House passed HR 317. The Senate version of HR 317 is unanimously passed by the full Senate Energy Committee.

* July 8, 1987 Senate passes its version of HR 317 by unanimous consent. The Senate version of HR 317 would designate the entire Merced River above McClure Reservoir.

* September 28, 1987 Compromise agreement reached between Senators Cranston, Wilson, and Representative Coelho. Study status for the Merced between Briceburg and Lake McClure Reservoir; and immediate designation for the upper Merced and its South Fork.

* October 16, 1987 Senate passes the final compromise bill.

* October 21, 1987 White House receives HR 317.

* November 2, 1987 The first Merced River Wild and Scenic bill (Public Law 100-149) signed by President Ronald Reagan.

House of Representatives

101st Congress

* May 18, 1989 • Sierra National Forest and BLM finalize boundaries and classifications in the 1987 designated wild & scenic river corridor. Hites Cove and jeep trail remains "scenic," but most of the Hites Cove trail is reclassified to "wild."

* February, 1990 • Bureau of Land Management releases draft Merced Wild & Scenic River Management Plan recommending designation of the Lower Merced River, calls for classification of the lower three miles as "wild," and recommends a mining withdrawal from the river bed to the railroad grade within areas classified as "recreational" and "scenic" in the 1987 and 1990 Congressional bills.

* May 1, 1990 • Representative Gary Condit introduces HR 4687 (cosponsored by Rep. Richard Lehman). The bill incorporates the recommendations of the BLM and clarifies existing law permitting the BLM to issue right-of-ways for Mariposa's proposed Saxon Creek water diversion project adjacent to the Merced River.

* July 12, 1990 • Hearings on HR 4687 before the Subcommittee on National Parks and Public Lands.

* August 2, 1990 • National Parks Subcommittee marks up HR 4687 with a minor technical amendment.

* September 12, 1990 • Passes the full Interior Committee.

* September 17, 1990 • Interior Committee report published and passes the full House under "suspension of the rules."

* October 27, 1990 • The House accepts the Senate language on the Merced wild & scenic bill now contained in S. 2343 (the Clark's Fork W&S river bill). This varies but little from the House passed HR 4687. However, since the House had already passed a Clark's Fork bill, the House sent S.2343 back to the Senate for concurrence with only the Merced language. Unfortunately the House adjourned before the Senate could take action on S. 2343. The bill dies in the 101st Congress.

United States Senate

101st Congress

* May 1, 1990 • Senator Alan Cranston introduces S. 2555 (cosponsored by Senator Pete Wilson) to include the portion of the Merced River (Briceburg to Lake McClure) designated as a study river in the 1987 legislation as a National Wild and Scenic River. This measure is identical to HR 4687 (Condit).

* June 26, 1990 • Senate Subcommittee on Public Lands, National Parks and Forests hearings on S. 2555 and HR 4687.

* September 19, 1990 • Senate Energy and Natural Resources Committee markup of S. 2555. At the urging of the Merced Irrigation District and without the effective attention of the bill's authors, the lower ½ mile of river is removed from the bill as introduced in the Senate and the House. Other technical amendments are made to the bill.

* September 26, 1990 • Senate Energy and Natural Resources Committee markup of HR 4687. Bill is amended as S. 2555 was the previous week.

* October 5, 1990 • Senators Alan Cranston and Pete Wilson agree to offer an amendment on the Senate Floor to restore the ½ mile of the Merced removed by the Senate Energy Committee. House Interior Com. leadership & Rep. Condit agree to support this proposed amended version of HR 4687. HR 4687 placed on the Senate Legislative calendar.

* October 5 to 26, 1990 • HR 4687 is not permitted to come to a vote under "unanimous consent" by anonymous Republican senators apparently interested in "trading stock" for end of the session legislative deals. Senators Cranston and Wilson are unable to free the "holds."

* October 27, 1990 • Last day of the 101st Congress. The language of HR 4687 is amended to recover the ½ mile removed by the Energy Committee and placed in a Clark's Fork W&S river bill supported by Senator Malcomb Wallop. Since the Clark's Fork language had been incorporated in an omnibus public lands bill, the House stripped all but the Merced language from the Clark's Fork bill and sent the "clean" Merced bill back to the Senate for concurrence under as a Merced River W&S bill. The Senate inadvertently passed the bill originally reported by the Committee instead of the language passed by the Senate and the House earlier in the day. While no one notices the mistake, the House had already adjourned without taking final action.

House of Representatives

102nd Congress

* March, 1991 - Bureau of Land Management publishes final Merced Wild & Scenic River Management Plan reconfirming the draft's recommended designation for the lower Merced and for a mining withdrawal that would prevent new mining claims from being filed on the river. The plan also establishes a recreational mining and gold panning permit system for selected areas free of mining claims.

* May 7, 1991 - Merced Irrigation District Board of Directors vote to support S.549 language if an amendment is made to assure the District that operations and relicensing of New Exchequer Dam will be unaffected by the designation of the river above Lake McClure Reservoir. The length of the BLM recommended river corridor is not reduced by this amendment.

* May 22, 1991 - Representative Gary Condit introduces HR 2431 with MID's suggested amendment.

* October 29, 1991 — Hearings on HR 4687 before the House Subcommittee on National Parks and Public Lands.

* November 13, 1991 — National Parks Subcommittee marks up HR 4687 with a redrafted section assuring MID that FERC can relicense New Exchequer Dam at its present height. Language is acceptable to Merced Irrigation District, Friends of the River, and Rep. Condit.

* November 20, 1991 — HR 2431 passes full Interior Committee.

* November 22, 1991 — Committee Report written.

* November 23, 1991 — Passes the full House under "suspension of the rules." (No recorded vote, two thirds majority of members present on the floor required for passage.)

*November 26, 1991 — Scheduled Thanksgiving recess (end of first session of the 102nd Congress).

October, 1992 — Reconciliation with U.S. Senate.

United States Senate

102nd Congress

* March 4, 1991 — Senator Alan Cranston introduces S.549, a Merced River W&S bill identical to the Senate version of HR 4687 passed the previous year.

* March 21, 1991 — Hearings on S. 549 before the Senate Subcommittee on Public Lands, National Parks and Forests. Designation of the Lower Merced is supported by Mariposa County, environmental groups, federal agencies and Senators from both parties.

* October 30, 1991 — Meeting with Energy Committee and minority staff, staff of Senators Seymour, Cranston, & Rep. Condit, Merced Irrigation District, Friends of the River and Wilderness Society. Hearing testimony is revisited, current legal situation is assessed, and agreement reached by all parties regarding framework of New Exchequer operation/relicensing intent language to propose at the Energy Committee markup.

* November 20, 1991 — Energy Committee marks up bill as per October 30 discussion agreements. Substance of amendments is similar to the House Subcommittee markup by language differs. Utah Senator Jake Garn places a hold on floor action on all "unanimous consent" Energy Committee bills until Central Utah project legislation begins to move forward. Early consideration of CUP legislation in second session is promised by Committee.

October, 1992 — Reconciliation with House of Representatives.

October, 1992 — Signature by President George Bush.